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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/668,002	09/22/2003	Duane R. Pillar	061300-0364	1930
26371	7590	01/27/2006	EXAMINER	
FOLEY & LARDNER LLP 777 EAST WISCONSIN AVENUE SUITE 3800 MILWAUKEE, WI 53202-5308			BROADHEAD, BRIAN J	
			ART UNIT	PAPER NUMBER
			3661	

DATE MAILED: 01/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/668,002

Applicant(s)

PILLAR ET AL.

Examiner

Brian J. Broadhead

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-58 is/are pending in the application.
- 4a) Of the above claim(s) 20-30, 36-45 and 49-51 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 46-48 is/are allowed.
- 6) ☒ Claim(s) 1-7, 13, 14, 31-33, 35 and 52-58 is/are rejected.
- 7) ☒ Claim(s) 8-12, 15-19 and 34 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1-7-05, 1-10-05</u> . | 6) <input checked="" type="checkbox"/> Other: <u>IDS of 9-12-05</u> . |

DETAILED ACTION

Election/Restrictions

1. Claims 20-30, 36-45, and 49-51 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 9-6-05.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 4, 5, 13, 31, 32, 33, 35, 52, 53, and 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barbieri, 3729106, in view of the admitted prior art of 6421593.

4. Barbieri discloses a transmission, the system is configured to disable the output device when the transmission is in gear; a manual transmission; a chassis; body; the output device pertains to the body of the refuse vehicle; the output device is powered by a PTO; and the output device is a compactor in figure 2, and lines 20-25, on column 1, lines 1-7, on column 2, and lines 32-38, on column 2. Barbieri does not disclose the plurality of microprocessor interface modules with the communication network; and the transmission status information being stored in the interface modules. The admitted prior art of 6421593 teaches the plurality of microprocessor interface modules with the

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communication network; and the transmission status information being stored in the interface modules explicitly teaches the plurality of microprocessor interface modules with the communication network; and the transmission status information being stored in the interface modules. It would have been obvious to one of ordinary skill at the time the invention was made to use the admitted prior art in the invention of Barbieri because such modification would make the vehicle more redundant able to handle errors.

5. Claims 2, 3, 6, 7, 55, 56, 57, and 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barbieri, 3729106, in view of the admitted prior art of 6421593 as applied to claims 1, 4, 5, 13, 31, 32, 33, 35, 52, 53, and 54 above, and further in view of Gaugush et al., 6269295.

6. Barbieri, 3729106, and the admitted prior art of 6421593, disclose the limitations as set forth above. They do not disclose enabling the output device with the brake is engaged; moving the transmission out of gear when a brake is applies and moving into gear when the brake is disengaged. Gaugush et al. teach moving the transmission out of gear when a brake is applies and moving into gear when the brake is disengaged on lines 15-20, on column 1. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the brake neutralization of Gaugush in the invention of Barbieri and the admitted prior art because such modification would reduce driver fatigue and prevent engine stalling.

7. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lamb et al., 5540037.

8. Lamb et al. discloses an output device and disabling it when the vehicle reaches a certain speed on lines 52-65, on column 10. Lamb does not disclose the plurality of microprocessor interface modules with the communication network; and the transmission status information being stored in the interface modules. The admitted prior art of 6421593 teaches the plurality of microprocessor interface modules with the communication network; and the transmission status information being stored in the interface modules explicitly teaches the plurality of microprocessor interface modules with the communication network; and the transmission status information being stored in the interface modules. It would have been obvious to one of ordinary skill at the time the invention was made to use the admitted prior art in the invention of Lamb because such modification would make the vehicle more redundant able to handle errors.

Allowable Subject Matter

9. Claims 46-48 are allowed.

10. Claims 8, 9, 10, 11, 12, 15-19, and 34 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

11. The following is a statement of reasons for the indication of allowable subject matter: The prior art of record does not disclose the threshold speeds, disabling the output device from being actuated when the transmission is in gear, but allowing an operation to finish if it was initiated before the transmission was put in gear.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian J. Broadhead whose telephone number is 571-272-6957. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on 571-272-6956. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


BJB


THOMAS G. BLACK
SUPERVISORY PATENT EXAMINER
GROUP 3600